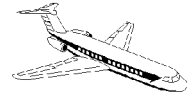




Rollin' On



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EPA, TRUCKS, STRIKES, STOCKS, WARS & ADR

EPA and Truck Engines

Truck engine makers are not receiving the reprieve they wanted from the Oct. 1 deadline for stricter diesel emission standards. In 1998 the manufacturers agreed to this deadline which has come up too quickly for them. There has been a flurry of pre-buying of the current engines, and a lull is expected after Oct. 1 since the new engines, when they finally hit the road, will not have a track record. That may not be the end of the story. There are many House members, mostly Republicans, who are trying to get a legislative fix to this situation. They need to prevail on their Republican president to support that cause. So far that support has been withheld as the administration can't be seen as being soft on the environment, although some would say the cow's out of the barn on that one.

Longshore/Strikes: Casey at the bat

The West Coast talks are continuing. Although the contract expired on July 1, no strike has been called as the longshoremen struggle to get by on their 100K-200K plus wages. The union is complaining that the Bush administration is unjustifiably interfering with the negotiations. A frightening percentage of the gross national product is dependent upon the west coast shipments, and the Bush administration undoubtedly believes that the fragile economy cannot afford a messy strike or lockout. The last time the Taft-Hartley Act, which allows the government to compel the ports to stay open, was utilized was during the 1978 coal strike. There's been talk of

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seeking legislation to dilute the union's powers. You'll recall that Pres. Reagan took on the small air traffic controllers several years ago, and it may be a model for the current administration.

It makes one think of the baseball situation, where a strike is threatened. Maybe professional baseball needs a good strike, lasting for a couple of years, as there are the haves and have nots, based upon the population base. Some of those guys need to flip a few burgers or dig some ditches to appreciate what they've got. Atlanta, one of the perpetual haves, can't even fill its stadium for playoff games.

Stock market blues and wars

Everybody's 201Ks (renamed) has been hit hard due in part to corporate corruption. Meanwhile, we've seen footage of a few corporate bad guys being handcuffed and hauled off to the slammer, where they immediately posted bail, probably with their ill-gotten gains. They wanted to turn themselves in, but the government wouldn't oblige since it wanted the photo op.

But not to worry. The government insists that the economy is in good shape, in such good condition that Pres. Bush, in the tradition of Ronald Reagan, is off to his ranch for a month long vacation. To be sure, he has a series of meetings planned and will take steps to show that he is not disconnected from the average working stiff. The recent Waco meeting, a form of think tank (red meat for a satirist) is the most public example of Bush's attempt to reach

out, if only to fellow CEOs and a few handpicked me toos. Normally it would require a Texas size story to sell that line, but the Prez seems to be protected by teflon coating just as Mr. Reagan was. Time will tell if the 21st century coating is as durable as the 20th century version.

A painful lesson is that there are different rules at work for losing and making money. If your stock drops from \$100 to \$50, that's a 50 % loss (nothing is beyond my limitless math abilities). But to get that \$50 back, you need to double the value, not just return at the 50 % rate since that would leave you with only \$75.

Meanwhile, the November elections are closing in and many Republicans are vulnerable. Sometimes a good war is what is needed to get the attention off of a gloomy domestic situation. Expect more publicity about Iraq. Or maybe they can find a Grenada type thing, just like Mr. Reagan. It could be déjà vu all over again.

Alternate Dispute Resolution

Just kind of rolls off of your tongue. Arbitration and mediation are becoming increasingly more popular as alternatives to the standard courtroom experience, due to both cost and time constraint reasons. I enjoy serving as the "neutral" which is much different from serving as an attorney for one of the parties. These endeavors are a nice break from my transportation attorney routine.

Switch to email

Just email me your company name and fax number where **Rollin' On** is currently being received, and you'll be switched over.

That's all for now. Until next time, keep the cargo *rollin'*!

The Obligatory Disclaimer

This newsletter is for informational purposes, does not provide legal advice and does not create an attorney-client relationship.

Short Bio

Admitted to the state bars of Oregon, Alaska, Florida and Massachusetts. Practicing law for over 25 years and emphasizing transportation law, business law and related litigation.